

project, specified conditions under which such work may be done, and authorized appropriations for such work of \$100,000,000 to be available in the fiscal year in which appropriated and for the two succeeding fiscal years, prior to repeal by Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167.

AMENDMENTS

1991—Pub. L. 102-240 substituted “Subject to section 142(f), States shall” for “States shall”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

§ 157. Minimum allocation

(a) GENERAL RULES.—

(1) FISCAL YEARS 1984-1987.—In the fiscal year ending September 30, 1983, as soon as practicable after the date of enactment of this Act, and in each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, on October 1, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title amounts sufficient to insure that a State's percentage of the total apportionments in each such fiscal year of Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings funds under sections 103(e)(4), 104(b), 144, and 152 of this title and section 203 of the Highway Safety Act of 1973, as amended, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data is available.

(2) FISCAL YEARS 1987 AND 1988.—In fiscal years 1987 and 1988, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for emergency relief in accordance with section 125 of this title, the Interstate construction discretionary program in accordance with section 118(b)(2)¹ of this title, forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 31104 of title 49) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

(3) FISCAL YEARS 1989-1991.—

(A) GENERAL RULE.—In fiscal year² 1989, 1990, and 1991 on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 31104 of title 49) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

(B) EXCEPTION FOR FISCAL YEAR 1989.—Notwithstanding subparagraph (A), the amount allocated to the State of California under this paragraph in fiscal year 1989 shall be the amount which would be allocated to such State under this subsection if paragraph (2) were in effect for such fiscal year.

(4) THEREAFTER.—In fiscal year 1992 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Interstate construction, Interstate maintenance, Interstate highway substitute, National Highway System, surface transportation program, bridge program, scenic byways, and grants for safety belts and motorcycle helmets shall not be less than 90 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

(b) Amounts allocated pursuant to subsection (a) of this section shall be available for obligation when allocated for the year authorized plus the three succeeding fiscal years, shall be subject to the provisions of this title 23 and may be obligated for Interstate highway substitute, National Highway, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects. ½ of the amounts allocated pursuant to subsection (a) after September 30, 1991, shall be subject to section 133(d)(3) of this title. Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section, except where the provision of law establishing such limitation specifically amends or limits the applicability of this sentence. Sums allocated pursuant to this section shall not be considered to

¹ See References in Text note below.

² So in original. Probably should be “years”.

be sums allocated for purposes of section 104(b) of the Highway Improvement Act of 1982 and section 4102(c) of the Consolidated Omnibus Budget Reconciliation Act of 1985 and section 105(c) of the Federal-Aid Highway Act of 1987 and section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(c) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research).

(d) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a), any funds which, but for section 154(f)³ or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.

(e) In order to carry out this section there is authorized to be appropriated out of the Highway Trust Fund, other than the Mass Transit Account, such sums as may be necessary for each of the fiscal years ending on or after September 30, 1983.

(Added Pub. L. 97-424, title I, §150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99-272, title IV, §4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100-17, title I, §§105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102-240, title I, §§1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103-272, §5(f)(3), July 5, 1994, 108 Stat. 1374.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 97-424, which was approved Jan. 6, 1983.

Section 203 of the Highway Safety Act of 1973, as amended, referred to in subsec. (a)(1), is section 203 of Pub. L. 93-87, which is set out as a note under section 130 of this title.

Section 118(b) of this title, referred to in subsec. (a)(2), was struck out and a new subsec. (b) was added by Pub. L. 102-240, title I, §1020(a), Dec. 18, 1991, 105 Stat. 1948. Provisions formerly contained in subsec. (b)(2) of section 118 appear in subsec. (b)(1).

This Act, referred to in subsec. (b), probably means Pub. L. 97-424, Jan. 6, 1983, 96 Stat. 2097, known as the Surface Transportation Assistance Act of 1982. For complete classification of this Act to the Code, see Short Title of 1983 Amendment note set out under section 101 of this title and Tables.

Section 104(b) of the Highway Improvement Act of 1982, referred to in subsec. (b), is section 104(b) of Pub. L. 97-424, which is set out as a note under section 104 of this title.

Section 4102(c) of the Consolidated Omnibus Budget Reconciliation Act of 1985, referred to in subsec. (b), is section 4102(c) of Pub. L. 99-272, set out as a note under section 104 of this title.

Section 105(c) of the Federal-Aid Highway Act of 1987, referred to in subsec. (b), is section 105(c) of Pub. L. 100-17, which is set out as a note under section 104 of this title.

³ See References in Text note below.

Section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b), is section 1002(c) of Pub. L. 102-240, which is set out as a note under section 104 of this title.

Section 154 of this title, referred to in subsec. (d), was repealed by Pub. L. 104-59, title II, §205(d)(1)(B), Nov. 28, 1995, 109 Stat. 577.

AMENDMENTS

1994—Subsec. (a)(2), (3)(A). Pub. L. 103-272 substituted “section 31104 of title 49” for “section 404 of the Surface Transportation Assistance Act of 1982”.

1991—Subsec. (a)(3). Pub. L. 102-240, §1013(a)(1), substituted “Fiscal years 1989-1991” for “Thereafter” in heading.

Subsec. (a)(3)(A). Pub. L. 102-240, §1013(a)(2), substituted “, 1990, and 1991” for “and each fiscal year thereafter,”.

Subsec. (a)(4). Pub. L. 102-240, §1013(a)(3), added par. (4).

Subsec. (b). Pub. L. 102-240, §1013(b), substituted “National Highway, surface transportation program” for “primary, secondary”, substituted “congestion mitigation and air quality improvement program” for “urban”, struck out “replacement and rehabilitation” after “bridge”, and inserted after first sentence “½ of the amounts allocated pursuant to subsection (a) after September 30, 1991, shall be subject to section 133(d)(3) of this title.”

Pub. L. 102-240, §1002(h), inserted before period at end “and section 1002(c) of the Intermodal Surface Transportation Efficiency Act of 1991”.

1987—Subsec. (a). Pub. L. 100-17, §124(b), (e), inserted heading, designated existing provisions as par. (1) and inserted heading, added pars. (2) and (3), and indented and aligned par. (1) with pars. (2) and (3).

Subsec. (b). Pub. L. 100-17, §105(h), inserted reference to section 105(c) of the Federal-Aid Highway Act of 1987.

Subsecs. (c), (d). Pub. L. 100-17, §124(a), added subsecs. (c) and (d). Former subsec. (c) redesignated (e).

Subsec. (e). Pub. L. 100-17, §124(a), (d), redesignated former subsec. (c) as (e) and substituted “on or after September 30, 1983” for “September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986”.

1986—Subsec. (b). Pub. L. 99-272 inserted “and section 4102(c) of the Consolidated Omnibus Budget Reconciliation Act of 1985.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

DONOR STATE BONUS AMOUNTS

Section 1013(c) of Pub. L. 102-240 provided that:

“(1) FUNDING.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the payment of donor State bonus amounts the following amounts for the following fiscal years:

“(A) For fiscal year 1992 \$429,000,000.

“(B) For fiscal year 1993 \$514,000,000.

“(C) For fiscal year 1994 \$514,000,000.

“(D) For fiscal year 1995 \$514,000,000.

“(E) For fiscal year 1996 \$514,000,000.

“(F) For fiscal year 1997 \$515,000,000.

“(2) APPORTIONMENT.—

“(A) FORMULA.—The bonus apportionments which are provided under this subsection for a fiscal year shall be apportioned in such a way as to bring each successive State, or States, with the lowest dollar return on dollar projected to be contributed into the Highway Trust Fund for such fiscal year, up to the highest common return on contributed dollar that

can be funded with the annual authorizations provided under this subsection.

“(B) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Funds apportioned under this subsection shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned for the surface transportation program under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended. One-half of the amounts apportioned under this subsection shall be subject to section 133(d)(3) of title 23, United States Code, as added by this Act.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this title.

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) FIRST YEAR.—The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) AFTER THE FIRST YEAR.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(3) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraphs (1) and (2) of this subsection in each fiscal year in which such law is in effect.

(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1988.—Any funds withheld under this section from apportionment to any State on or before September 30, 1988, shall remain available for apportionment to such State as follows:

(i) If such funds would have been apportioned under section 104(b)(5)(A) of this title but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

(ii) If such funds would have been apportioned under section 104(b)(5)(B) of this title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(iii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of this title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1988.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to such State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State makes effective a law which is in compliance with subsection (a), the Secretary shall on the day following the effective date of such law apportion to such State the withheld funds remaining available for apportionment to such State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

(A) Funds apportioned under section 104(b)(5)(A) of this title shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are so apportioned.

(B) Funds apportioned under section 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6) of this title shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of this title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not made effective a law which is in compliance with subsection (a), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of this title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or